

AB-308U

MAR 16 2007 Serial No.: 10/731,551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Todd K. Whitehurst et al.

Application No.: 10/731,551

Filed: December 8, 2003

Title: "Fully Implantable Miniature Neurostimulation
for Intercostal Nerve as a Therapy for Angina
Pectoris"

Examiner: EVANISKO, George Robert

Group Art Unit: 3762

Confirmation No.: 4671

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated May 18, 2006, rejecting the following claims 1-28.

(X) The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- () one month \$120.00
() two months \$450.00
() three months \$1020.00
(X) four months \$1590.00

() The extension fee has already been filed in this application.

() (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 18-0013/40328-0050 the sum of \$2090.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 18-0013/40328-0050 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 18-0013/40328-0050 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.I hereby certify that this correspondence is being transmitted to the US Patent and Trademark Office via facsimile number (571) 273-8300 on March 16, 2007Number of pages transmitted: 5Signature: 
Rebecca R. Schow

Respectfully submitted,

By: Steven L. Nichols (Reg. No.: 40,326)
Attorney/Agent for Applicant(s)
Telephone No.: (801) 572-8066
Date: March 16, 2007